

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2018-401-E**

|  |   |                              |
|--|---|------------------------------|
| IN RE:                                     | ) |                              |
| Request of Beulah Solar, LLC for           | ) |                              |
| Modification of Interconnection Agreement  | ) |                              |
| with South Carolina Electric & Gas Company | ) | <b>PETITION TO INTERVENE</b> |
|  | ) |                              |
|  | ) |                              |

**INTRODUCTION**

Petitioner herein is Eastover Solar LLC (hereinafter as, “Eastover Solar” or “Petitioner”). This Petition to Intervene is filed pursuant to R. 103-825, of this Commission’s Rules and Regulations and other applicable Rules and Regulations of this Commission, and Petitioner seeks permission to intervene and be made a party of record in the above-referenced Docket, with full rights of participation.

**PETITIONER**

1. Eastover Solar LLC, is a Delaware LLC, domesticated to conduct business in South Carolina and located in Richland County, South Carolina.
2. Eastover Solar is similarly situated as Beulah Solar, LLC, (hereinafter as, “Beulah Solar”), in Beulah Solar’s filing in this Docket.
3. Eastover Solar is intervening in this Docket, because of the following similarities with Beulah Solar’s filing. Namely, Eastover Solar and Beulah Solar both,
  - Have entered into an Interconnection Agreement (“IA”) with South Carolina Electric & Gas Company (“SCE&G”);
  - Have IAs with SCE&G that contain the following language, "[T]he Interconnection Customer shall have the right to make a unilateral filing with the Commission to modify this agreement."
  - Note that this Commission has the statutory authority to amend, modify, and change any contract with an electrical utility that affects the use or disposition of an electrical utility’s product or charges paid to an electrical utility when the public interest requires. *See* S.C. Code Ann. Section 58-27-980, (1976, as amended).

- Have a Milestone Payment #1 due in January, 2019, under their IA with SCE&G;
- Have entered into an IA with SCE&G, with “curtailment language” not approved by this Commission;
- Have encountered extreme difficulty in financing Milestone Payment #1, under their respective IAs with SCE&G;
- Call this Commission’s attention to a stakeholder process to address solar developers’ concerns about curtailment that has recently been established. The stakeholder process is between the South Carolina Solar Business Alliance, Inc. (hereinafter as, “SCSBA”), and SCE&G and is to be facilitated by ORS. The stakeholder process is memorialized in a Settlement Agreement<sup>1</sup> dated November 30, 2018, between SCE&G, Dominion Energy, Inc. and SCSBA, on page 6 in paragraph (3)(B)(i), (the applicable language is incorporated herein by reference, as if set forth verbatim).
- Both Eastover Solar and Beulah Solar expect that the stakeholder process will result in the adoption of clarifying curtailment protocols, and potentially modifications to SCE&G’s current IA “curtailment” provisions, that will alleviate the financing difficulties that have been caused by the curtailment language in SCE&G’s current IAs. Eastover Solar will be directly impacted by this Commission’s review, amendment and/or clarification of the “curtailment language” and Eastover Solar is entitled, because of that direct impact, to participate in this Commission’s Hearing and subsequent decision.

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<sup>1</sup> The Settlement Agreement was approved by this Commission on December 21, 2018, in Order No. 2018-804, in Docket 2017-370-E.

4. Petitioner's position is that Petitioner, Eastover Solar has a direct and substantial interest in this Commission's decision on Beulah Solar's Request for Modification filed in this Docket. Specifically, Petitioner will be affected by this Commission's Order to be issued in this Docket clarifying and modifying the IA currently in use by SCE&G and the adoption of curtailment protocols, to be approved by this Commission after a Report from the stakeholder process, referenced hereinabove.

5. Petitioner's Intervention will aid this Commission, by assisting in the development of a full and fair record to address the important review to be conducted in this Docket. Petitioner's interests are not adequately represented by other parties in this Docket.

6. Petitioner should be allowed to intervene in this Docket, with full rights of cross-examination, discovery and participation in any Hearing to be scheduled in this Docket. This Petition to Intervene is timely filed.

7. Furthermore, Petitioner's Intervention is consistent with this Commission's long standing policy, "...in encouraging maximum public participation in issues before the Commission, and [Intervention] [is] allowed so that a full and complete record addressing...views and concerns can be developed." (Order No.: 2005-725, in Docket No.: 2005-270-G, dated December 16, 2005).

8. The granting of Eastover Solar's Petition to Intervene is (i) in the public interest (ii) consistent with the policies of this Commission in encouraging maximum public participation in issues before it and intervention should be allowed so that a full and complete record addressing its views and concerns can be developed and (iii) contemplated in this Commission's Order 2005-725.

9. Eastover Solar is represented by counsel in this proceeding:

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**WHEREFORE**, Petitioner prays for the following relief:

- (a) That this Petition to Intervene be accepted and that Petitioner be made a party of record; and
- (b) That Petitioner be allowed to participate fully in this proceeding and take such positions as it deems advisable; and
- (c) That Eastover Solar joins in Beulah Solar's request for relief, that this Commission Order SCE&G to clarify or modify the Interconnection Agreement referenced in detail hereinabove after the adoption of curtailment protocols by SCE&G and a report to this Commission on the outcome of the stakeholder process referenced hereinabove; and
- (d) FOR SUCH OTHER AND FURTHER RELIEF AS IS JUST AND PROPER.

Respectfully Submitted,  
/s/Richard L. Whitt  
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January 16, 2019  
Columbia, South Carolina

Counsel for Petitioner, Eastover Solar LLC.